

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3097 OF 2005
WITH
CRIMINAL WRIT PETITION NO.13 OF 2006
WITH
CRIMINAL WRIT PETITION NO.16 OF 2006
WITH
CRIMINAL WRIT PETITION NO.17 OF 2006
WITH
CRIMINAL WRIT PETITION NO.18 OF 2006
WITH
CRIMINAL WRIT PETITION NO.19 OF 2006
WITH
CRIMINAL WRIT PETITION NO.20 OF 2006
WITH
CRIMINAL WRIT PETITION NO.22 OF 2006
WITH
CRIMINAL WRIT PETITION NO.23 OF 2006
WITH
CRIMINAL WRIT PETITION NO.24 OF 2006
WITH
CRIMINAL WRIT PETITION NO.25 OF 2006
WITH
CRIMINAL WRIT PETITION NO.26 OF 2006
WITH
CRIMINAL WRIT PETITION NO.27 OF 2006
WITH
CRIMINAL WRIT PETITION NO.3098 OF 2005
WITH
CRIMINAL WRIT PETITION NO.3099 OF 2005
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CRIMINAL WRIT PETITION NO.3100 OF 2005
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CRIMINAL WRIT PETITION NO.3101 OF 2005
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CRIMINAL WRIT PETITION NO.3102 OF 2005
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CRIMINAL WRIT PETITION NO.3103 OF 2005
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CRIMINAL WRIT PETITION NO.3104 OF 2005
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CRIMINAL WRIT PETITION NO.3105 OF 2005
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CRIMINAL WRIT PETITION NO.3107 OF 2005
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CRIMINAL WRIT PETITION NO.3108 OF 2005
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CRIMINAL WRIT PETITION NO.3109 OF 2005

WITH
CRIMINAL WRIT PETITION NO.3110 OF 2005
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CRIMINAL WRIT PETITION NO.3111 OF 2005
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CRIMINAL WRIT PETITION NO.3112 OF 2005
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CRIMINAL WRIT PETITION NO.3113 OF 2005
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CRIMINAL WRIT PETITION NO.3119 OF 2005
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CRIMINAL WRIT PETITION NO.3120 OF 2005
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CRIMINAL WRIT PETITION NO.3160 OF 2005
WITH
CRIMINAL WRIT PETITION NO.3161 OF 2005
WITH
CRIMINAL WRIT PETITION NO.3162 OF 2005

Office notes, office :
Memoranda of Coram, :
appearances, Court's : Court's or Judge's Orders
orders or directions :
& Registrar's orders :

Appearance as noted in the main board
dated 24.01.2006.

CORAM: R.S.Mohite, J.
DATE : 24th January, 2006.

P.C.:

COMMON ORDER

1. By consent, rule made returnable forthwith. In this case, what is sought, is quashing the criminal case pending before the Metropolitan Magistrate under the provisions of section 138 read with 141 of the Negotiable Instruments Act. Only point, that is raised, in this case is that the Petitioner has resigned from the company which is a

co-accused, prior to the issuance of the cheques. Reliance is placed on 32-F form which is maintained by the registrar of the companies. It is seen that in several matters, this defence is raised. In such defence, the manner, mode and exact date of resignation is a question of fact required to be proved by evidence. Such a defence cannot be made a ground for quashing the complaint. It is possible to envisage the case where the director submits an application after the cause of action has arisen for amending the 32-F form by claiming that he has resigned on a date earlier than the issuance of alleged cheque and it is also possible that the Registrar of company may make an entry in 32-F form admitting the contents of such application as genuine.

2. In the circumstances, there is no ground made out for interference and hence, the rule is discharged. The petitions stand disposed off

finally. A copy of this order be placed in each disposed petition.

(R.S.Mohite, J.)